IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9974 OF 2004

Ramesh Badriprasad Agarwal. ... Petitioner.

Vs.

Pune Municipal Corporation & Ors. ...Respondents.

....

Mrs. Pranali Kakade for the Petitioner.
Mrs. M.P. Thakur, AGP for Respondent Nos.3 and 5.
Mr. M.V. Jaykar for Respondent No.4.

.....

CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 24, 2006.

P.C. :

The Petitioner has prayed to direct Respondent Nos.1 to 5 to rectify the records and place the land of the Petitioner as residential, out of reservation and to grant building permission to the Petitioner and further to issue commencement certificate pursuant to the application for sanction of building plan already pending with Respondent No.1.

Having heard the learned Counsel appearing for the parties, in our opinion, the reliefs prayed for cannot be granted in a petition filed under Article 226 of the Constitution. However, it would be open to the Petitioner to take recourse to the provisions

of Section 127 of the Maharashtra Regional and Town Planning Act, 1966. In view of this observation, the petition is dismissed.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.